

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Police – Imposition of the penalty of 15 % (fifteen percent) cut in pension for a period of two years on Sri K.R.R.Mohana Rao, SI (Retired), West Godavari District – Orders - Issued.

HOME (SERVICES-2) DEPARTMENT

G.O.Rt.No. 698

Dated:9-5-2011
Read the following:

1. From the DGP, AP, Hyd. Lr.Rc.No.1912/Appeal-3/2010, dated 06.07.2010.
2. Govt. Memo.No.21220/Ser.II/A2/2010, dated :9-9-2010
3. From the DGP . Lr.Rc.No.1912/Appeal-3/2010,, dated:10-11-2010 along with the explanation of Sri K.R.R.Mohana Rao, SI, West Godavari District dated: 18-10-2010
4. Govt. Letter No. 21220/Ser.II/A2/2010, dated: 28-1-2011, addressed to the Secretary, APPSC, Hyderabad
5. From the Secretary, APPSC, Hyderabad, Lr.No.345/RT-I/2/2011, dated:11-4-2011

ORDER:

The Director General of Police, Andhra Pradesh, Hyderabad, in his letter 1st read above, has stated Sri K.R.R. Mohana Rao, S.I.of Police, formerly of Elamanchili PS. of West Godavari District and now retired from service, was handed upon a major charge for the following delinquencies:

ARTICLE-I

“On the night of 28.03.2009 at about 23.00 hours, the charged officer conducted raid on a Recording Dance Programme in the Jathara at Elamanchili Lanka, took a bribe of Rs.3,000/- from the organizers, allowed it to continue till 04-00 hrs.”

ARTICLE-II

“The Charged Officer registered the case vide Cr.No.13/2009, u/s 338 IPC, did not pursue further though the injured was shifted to three hospitals and died on 9.3.2009 at his residence, the dead body was buried without intimation to the Police, the charged officer belatedly altered the Sec. of Law from 338 IPC to 304 (A) IPC on 1.5.2009, continued the investigation, having taken a bribe of Rs.10,000/- from the contractor, he kept quite without making efforts to trace the Crime Vehicle and did not write case diaries.”

ARTICLE-III

“Having received a complaint from Sarella Ramayya on 16-4-2009, the charged officer belatedly registered the same as the case vide Cr.No.40/2009 u/s 447, 323, 506(2) r/w 34 IPC & 3(1)(x) of SC & ST (POA) Act, 1989 with a delay after taking bribe from the complainant” and

ARTICLE-IV

“The Charged Officer went to Tanuku, secured the two warrantees concerned in the case vide Cr.No.22/2008, u/s 307, 354, 323 & 506(2) IPC of Elamanchili PS took illegal gratification from them, allowed them to surrender before the Court and the Special Party of C.I. executed the two NBWs.”

2. The Sub-Divisional Police Officer, Rajahmundry who was appointed as Inquiry Authority conducted O.E. against the Charged Officer and submitted Minutes holding that all the imputations against the charged officer as ‘Not Proved’. The DIG of Police, Eluru Range, did not agree with the findings of the Enquiry Officer for the following reasons:

Regarding III Article of Charge, that is delay in registration of offence, the matter was reported on 16.04.2009 and the FIR was issued only on 26.04.2009. The charged officer says due to civil litigation he was investigating the matter and so there is delay in issue of FIR, which is not convincing. Prima facie once case is made out S.H.O. has to issue FIR and after that only investigation will be done and not prior to registration of FIR.

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Regarding IV Article of Charge, regarding non-execution of warrants also, how could Special Party PCs were able to execute NBWs against 2 Warrantees, who were very much present in Tanuku and charged officer not found them in Tanuku.

3. A copy of Minute together with Dissent Note was supplied to the charged officer by the Deputy Inspector General of Police, Eluru Range vide Memo.C.No.11/OE-PR/2009, dated 11.12.2009 calling further Written Statement of Defence. The charged officer has submitted his further written statement of defence. After careful examination of the article of charge, minutes of enquiry and further written statement of defence submitted by the charged officer, the Deputy Inspector General of Police, Eluru Range, held the two charges i.e. (i) delay in registration of criminal case and (ii) failure to execution of NBW as 'Proved'. Since the charged officer was retired from service on superannuation on 30-6-2009, the Director General of Police, Andhra Pradesh, Hyderabad, has forwarded the records to Government vide reference 1st cited, for taking further necessary action in terms of Rule 9 (2) (a) of A.P.Revised Pension Rules, 1980

3. Government have examined the matter and accepted the findings of the disciplinary authority i.e. Deputy Inspector General of Police Eluru Range, and provisionally decided to impose the penalty of "Withholding of 15% (fifteen percent) pension for a period of two years" on Sri K.R.R.Mohana Rao, Sub-Inspector of Police (Retired), West Godavari District, under Rule 9 (2) (a) of A.P. Revised Pension Rules, 1980. Accordingly, a show cause notice was issued to the charged officer vide reference 2nd cited and he has submitted his explanation vide reference 3rd cited. Government have examined the same and decided to confirm the provisional decision of withholding of 15% (fifteen percent) of the pension of the charged officer for a period of two years and the matter was referred to the A.P. Public Service Commission for its advice. The A.P. Public Service Commission, in the reference 5th read above, has agreed with the proposal of the Government.

4. Therefore, Government hereby withhold 15% (fifteen percent) of the pension of Sri K.R.R. Mohana Rao, S.I.of Police, formerly of Elamanchili PS. of West Godavari District (now Retd), for a period of two years. A copy of the letter 5th cited is communicated to the individual as required under Rule 44 of APCS (CCA) Rules.

5. The Director General of Police, Andhra Pradesh, Hyderabad, is requested to take follow up action in the matter accordingly. The records received through reference 1st read above are herewith returned and the receipt of the same should be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

P. GAUTAM KUMAR
PRINCIPAL SECRETARY TO GOVERNMENT

To

The Director General of Police, Andhra Pradesh, Hyderabad, (with records).

The Individual concerned (through the DGP, AP, Hyderabad)

The Secretary, A.P. Public Service Commission, Hyderabad.

SC/SF

//Forwarded:: By order//

SECTION OFFICER